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*NOT ADMITTED TO THE NEW YORK BAR

January 22, 2024

By ECF

Hon. Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 518
New York, NY 10007

Re: 1:24-cv-00326-VSB

Dear Judge Broderick:

On behalf of the Plaintiff Commissioner of the New York City Department of Social Services, we write to request an in-person conference as soon as possible regarding the Plaintiff's January 4, 2024 application for a preliminary injunction to enjoin Buckeye Coach LLC; Carduan Tours LLC; Classic Elegance Coaches LLC; Coastal Crew Change Company LLC; Ejecutivo Enterprises Inc.; El Paso United Charters LLC; Garcia and Garcia Enterprises Inc. (d.b.a. Francisco Tours); JY Charter Bus Inc.; Lily's Bus Lines Inc.; Mayo Tours, Inc.; Norteno Express LLC; Roadrunner Charters Inc.; Southwest Crew Change Company LLC; Transportes Regiomontanos Inc.

(d.b.a. Autobuses Regiomontanos); VLP Charter LLC; Windstar Lines Inc.; and Wynne Transportation LLC (collectively, “Defendants”) pursuant to New York Social Services Law Section 149 to: (a) pay the New York City Social Services Commissioner for the costs of care for at least 33,600 individuals they have already transported to New York City to implement Texas Governor Greg Abbott’s publicly-articulated plan to shift the traditional cost of migration at the Southern Border to New York City and other urban areas in order to force a change in national immigration policy; and (b) pay for the cost of care for any additional individuals whom they transport, or cause to be transported, in the future from Texas to New York City to implement the Texas Governor’s plan.

The Plaintiff Commissioner requested this relief in an Order to Show Cause submitted to the New York County Supreme Court on January 4, 2024. On January 9, the New York County Supreme Court ordered the Defendants to show cause on January 22, 2024, why a preliminary injunction should not be granted and set an expedited schedule for briefing and responsive papers in advance of the hearing. Dkt. No. 1 Ex. B at pp. 29-31. After the deadline set in the Order to Show Cause for the Defendants’ responsive papers had passed without service of any response and before the hearing could be held, one Defendant—Roadrunner Charts Inc.—removed the case to the United States District Court for the Southern District of New York.

This suit is now pending in federal court in the same procedural posture it had in state court, which was with a hearing set to consider an application for interim relief and an expedited schedule for pre-hearing briefing and responsive papers. 28 U.S. Code § 1446(a); *D.H. Blair & Co. v. Gottdiener*, 462 F.3d 95, 108 (2d Cir. 2006). This Court is now in a position to give effect to an expedited schedule for briefing and responsive papers and a hearing as provided in the New York County Supreme Court’s previously-signed Order to Show Cause. *Miller v. Steloff*, 686 F. Supp. 91, 93 (S.D.N.Y. 1988); see *Linden v. Chase Manhattan Corp.*, 52 F. Supp. 2d 387, 388–89 (S.D.N.Y. 1999) (“Recognition that the federal court obtains jurisdiction when the notice of removal is filed with it serves an important purpose: there may be urgent need for it to issue restraining or protective orders, too pressing to await even the prompt filing of further papers in the state court.”); cf. Your Honor’s Individual Rules & Practices in Civil Cases Rule 5(A).

Regardless of whether this case remains before Your Honor or is remanded back to the New York County Supreme Court, there is an immediate need for the same expedited approach that the New York County Supreme Court has already ordered in the January 9, 2024 Order to Show Cause. Certainly the federal procedure for removal cannot be used to evade the expedited schedule that the New York County Supreme Court ordered given the urgency of this matter because of the Defendants’ continuing implementation of the Texas Governor’s bad faith plan to shift costs from Texas to New York City to force President Biden to change national immigration policy.

Indeed, the pending question of whether the other sixteen Defendants will consent to removal cannot defeat the urgent need to consider the Plaintiff Commissioner’s application on an expedited basis in either federal or state court, which

the New York County Supreme Court recognized in setting an expedited schedule for briefing and responsive papers and a hearing. Taking into account the delay in the schedule set in the signed Order to Show Cause resulting from the removal notice, we respectfully request that Your Honor schedule the hearing and pre-hearing briefing and responsive papers deadlines with the same urgency as the schedule the New York County Supreme Court ordered in its Order To Show Cause. Accordingly, for consideration at the requested in-person conference, we propose that the Defendants' answering papers, if any, be served upon Plaintiff's counsel by email on or before January 31, 2024, at 5:00 PM; the Plaintiff's reply papers be served upon Defendants by email on or before February 5, 2024 at 5:00 PM; and an in-person hearing be held before Your Honor or the New York County Supreme Court on February 13, 2024, at a time set by this Court or the New York County Supreme Court, depending on whether the case remains before Your Honor or it is remanded.

Thank you for your consideration of this request.

Respectfully,

/s/ Steven Banks

Steven Banks
Michele Hirshman
Counsel for the Plaintiff Commissioner

cc: Muriel Goode-Trufant, First Assistant Corporation Counsel, City of New York via email.

Michael Kozlowski, Mark Levine, and Hamed Moradi, Counsel for Defendants Wynne Transportation LLC and Southwest Crew Change Company LLC via overnight delivery service (FedEx) and email.

Robert J. Hantman, Counsel for Defendant Roadrunner Charters Inc. via the Court's CM/ECF system.

Buckeye Coach LLC; Carduan Tours LLC; Classic Elegance Coaches LLC; Coastal Crew Change Company LLC; Ejecutivo Enterprises Inc.; El Paso United Charters LLC; Garcia and Garcia Enterprises Inc. (d.b.a. Francisco Tours); JY Charter Bus Inc.; Lily's Bus Lines Inc.; Mayo Tours, Inc.; Norteno Express LLC; Transportes Regiomontanos Inc. (d.b.a. Autobuses Regiomontanos); VLP Charter LLC; and Windstar Lines Inc. via overnight delivery service (FedEx).

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
Hon. Vernon S. Broderick

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of January, 2024, I caused a copy of the foregoing document to be served upon all counsel of record via the Court's CM/ECF system and on all Defendants via overnight delivery service (FedEx) and email to counsel who have stated they represent certain Defendants or the Defendants' business address on file in their state of incorporation.

/s/ Steven Banks

Steven Banks